

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES FIZZIGNOLIA,

23-cv-6283 (PKC)

Plaintiff,

v.

ORDER

CITY OF NEW YORK, et al.,

Defendants.

CASTEL, United States District Judge.

On March 20, 2024, the Court held conference in which it approved the parties' proposed case management plan and set fact discovery to close by August 16, 2024. (ECF 19.) Defendants in this action wrote to the Court more than a month before the expiration of the discovery period seeking an extension of time to complete fact discovery until September 16, 2024. (ECF 25 & 28.) Plaintiff joined in the request. (ECF 19.)

Defendants also asserted that the extension was necessitated by the plaintiffs' failure to timely provide executed releases that were necessary in order to obtain documents. On July 11, 2024, the Court ordered plaintiff to show cause why it should not be compelled to provide the demanded releases.


The Court ultimately granted the extension of fact discovery to September 16, 2024. (ECF 30.) The Court's Order also ruled on the application for releases. (Id. at ¶14.)

Now, after the date for completion of fact discovery expired, plaintiff writes to the Court seeking an extension of time to conduct discovery. He proposes no date and instead request that "the deadlines to complete fact discovery be postponed until there is an opportunity to conduct mediation." (ECF 31.) That request is a non-starter and is denied.

The Court notes that the plaintiff's letter is replete with improper disclosure of settlement demands and responsive offers. This Court had set the case for mediation on April 30, 2024, a date cleared with the parties at the March 20, 2024 conference. Nearly a month after the mediation was set, the defendants sought an adjournment of the mediation until an undetermined date after they had received certain unspecified documentation from plaintiff. At that point a mediator had been selected for the April 30 mediation. Because it takes two willing parties to have a meaningful mediation, the Court vacated the mediation Order,

The Court now Orders defendants to file with the Court by October 1, 2024, a report on the discovery conducted to date, its position on a finite extension of the discovery period and its present position regarding mediation. Plaintiff shall respond by October 3, 2024. The Conference before this Court remains scheduled for October 4, 2024, at 10:30 am. Failure to comply with any aspect of the foregoing will result in a sanction permitted under Rule 37, Fed. R. Civ. P.

SO ORDERED.


P. Kevin Castel
United States District Judge

Dated: New York, New York
September 24, 2024